

HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.11757 of 2002

Dated this the 12th day of December, 2007

Between:

Inder kumar Singh
and 3 others

... Petitioners

AND

Secunderabad Cantonment Board,
Secunderabad, rep.by its

Executive Officer

.... Respondent

HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.11757 of 2002

-
ORDER:

This Writ Petition has been filed by the petitioners seeking to declare that the action of the respondent in demolishing the compound wall of the petitioners' property is illegal and violative of Article 14 of the Constitution of India and consequently direct the respondent not to demolish the existing structures situated in the disputed property.

2) The petitioners approached this Court through this writ petition contending that no notice has been served upon them and no opportunity was given to make their submissions and the respondent highhandedly resorted to demolish the compound wall and threatened to demolish the existing structures in the disputed premises.

3) The learned Standing Counsel for the respondent represented that originally the notice was served on the petitioners on 03.04.2000, but in spite of not giving any reply to the said show cause notice, the petitioners approached this Court through this writ petition and therefore, the writ petition is not maintainable.

4) It is an undisputed fact that a show cause notice has

been issued after inspection of the premises and it is for the petitioners to explain that the structures existing on the disputed premises shall not be demolished. Before resorting to demolish, an opportunity must be given regarding the claims of the petitioners as well as the objectors, for which I am inclined to give an opportunity to the petitioners to present their submissions before the respondent to enable him to pass appropriate orders on the show cause notice.

5) In the result, the writ petition is disposed of and since the copy of show cause notice issued by the respondent on 03.04.2000, was filed along with the counter affidavit, the petitioners are directed to file their explanation within four weeks from the date of this order and the respondent shall pass appropriate orders after giving opportunity to the petitioners as well as objectors regarding the claims made by the respective parties and communicate the same to the parties concerned. The Executive Officer, Secunderabad Cantonment Board shall dispose of the matter as expeditiously as possible. No costs.

Dr. G. YETHIRAJULU, J

Date: 12—12--2007

Isn